IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5577 OF 2005
IN
CRIMINAL APPEAL NO.809 OF 2005

Ajimuddin Hasan Shaikh. ..Applicant.

V/s.

The State of Maharashtra. ..Respondent.

Mr.A.P.Mundargi with Mr.Prakash Nail for applicant.

Mr.U.V.Nikam, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 19, 2005.

P.C. :

1. Heard counsel for the parties. Appeal is already admitted and the sentence imposed is short sentence of only five years. The applicant has already undergone 6 months during the trial, coupled with the fact that later on applicant was released on bail during the trial. There is nothing on record to show that the applicant has misused the bail. In my opinion, the applicant deserves to be enlarged on bail.

2. The Learned APP however, relied upon the antecedents of the applicant. The three offences referred by the prosecution pertain to the years

1989-90 and one of the year 2001. The fact remains that inspite of those antecedents, the applicant was enlarged on bail during the trial and there is nothing on record to indicate that applicant has misused that bail. In the circumstances, application is allowed by directing the release of the applicant on bail during pendency of the appeal on the same condition as obtained during the pendency of the trial.

3. Ordered accordingly.